

Notice of Allowability

Application No.

10/666,300

Examiner

Gary Chin

Applicant(s)

KUMAR ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/19/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/15/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.


GARY CHIN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. DeAngelis, Jr. on 9/15/05.

The application has been amended as follows:

(I) In claim 1, line 2, before "train", "at" has been changed to --a--. Further, on line 8, before "advise", the words --produce a signal to-- have been inserted.

(II) In claim 3, line 1, before "measuring", the word --said-- has been inserted. Further, on line 3, the words "or torque, or creep" have been changed to --torque and creep--.

(III) In claim 4, line 3, before "axle", the word --first-- has been inserted.

(IV) In claim 5, line 2, before "axle" on first occurrence, the word --first-- has been inserted.

(V) In claims 7 and 10, both on line 4, before "changed", the word --said-- has been inserted respectively.

(VI) In claims 8 and 21, both on line 4, before "values", the words --coupled creep control-- have been inserted respectively.

(VII) In claim 9, line 5, before "locomotive", the word --other-- has been inserted.

(VIII) In claims 11 and 24, both on lines 4-5, the words "one locomotive" have been replaced with --locomotive in the leading consist-- respectively.

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(IX) In claim 15, line 6, before “locomotives”, the words --one or more-- have been inserted. Further, on line 8, the word “advising” has been replaced with --producing a signal based upon the adhesion quality information of said one other axle to advise--.

(X) In claim 17, line 4, the words “or torque, or creep” has been changed to --torque and creep--.

(XI) In claim 20, line 3, “locomotive’s” on both occurrences has been changed to --locomotives’-- respectively.

(XII) In claim 22, line 4, the words “the one” has been changed to --said one other--.

(XIII) In claims 26 and 27, both on line 2, after “locomotive”, the words --in a leading consist-- have been inserted. Further, on line 2 of claim 26, before “locomotive”, “the” has been changed to --a--.

(XIV) In claim 28, line 2, the word “increases” has been changed to --increase--. Further, on line 4, before “axle”, “a” has been changed to --an--. Furthermore, on lines 5 and 8, before “axles”, the word --other-- has been inserted respectively.

(XV) In claim 29, lines 8 and 10, before “axles”, the word --other-- has been inserted respectively.

2. The following is an examiner’s statement of reasons for allowance:

The claimed method and system for dynamically controlling the traction of an (first) axle on a locomotive by employing the measured adhesion quality (or historic information of the adhesion quality) of the other (second) axle to produce an advisory signal to advise a controller

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to drive the (first) axle to maximize the tractive effort of the (first) axle if the tractive effort of the other (second) axle is operating closer to a maximum for its current rail conditions to reduce the amount of time for the (first) axle to attain its maximum tractive effort for its rail conditions, in combination with other claimed features, have neither been taught nor made obvious by the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (571) 272-6959. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GARY CHIN
PRIMARY EXAMINER